

UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF NEW YORK

JAKE M. REINHARDT, TAYLOR M.)
SCHMIEDER, KEVIN R. HARRINGTON,)
CASEY E. CARMINATI, and)
KRYSTYNA KIMBRELL,)

Plaintiffs,)

v.)

Case No. 1:21-cv-206

THE CITY OF BUFFALO, CLAYTON)
REED, MELISSA KURDZIEL, JAE S.)
MURPHY, SPENCER T. GEORGE,)
ROBERTO J. TORRES, COLIN KEENAN,)
DEVON SALTER-BROWN, individually)
and in their capacities as City of Buffalo)
Police Officers,)
BAIL SHOP, LLC, ADEL MIKHEAIL,)
individually and in his capacity as a bail)
recovery agent for Bail Shop, LLC,)
BUFFALO BAIL BONDS AGENCY, INC.,)
DENNIS WHITE, individually and in his)
capacity as a bail recovery agent for Buffalo)
Bail Bonds Agency, Inc., JOHN DOE,)
individually and in his capacity as a bail)
recovery agent for Buffalo Bail Bonds)
Agency, Inc.,)

Defendants.)

ORDER
(Docs. 52, 56, 61)

On November 4, 2021, Plaintiffs moved for default judgment as to Defendants Bail Shop, LLC and Adel Mikheail (“Bail Shop Defendants”) for failing to timely respond to Plaintiffs’ Amended Complaint. (Doc. 52.) Plaintiffs submitted a request for the Clerk’s entry of default pursuant to Fed. R. Civ. P. 55(a) and W.D.N.Y. Local Civ. R. 55. (Doc. 53.) On November 5, 2021, the Court granted Bail Shop Defendants’ motion for extension of time to respond to Plaintiffs’ Amended Complaint and extended the time to respond to November 17,

2021. (Doc. 54.) This order rendered Plaintiffs' request for the Clerk's entry of judgment moot. As both Fed. R. Civ. P. 55(a) and W.D.N.Y. Local Civ. R. 55(a) require the clerk's entry of default before the motion for default judgment may be granted, Plaintiffs' motion for default judgment is denied.

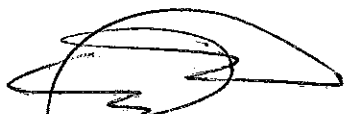
On November 10, 2021, Bail Shop Defendants moved to strike Plaintiffs' motion for default judgment. (Doc. 56.) Because Plaintiffs' motion for default judgment is denied, the motion to strike that motion is moot.

On December 27, 2021, Buffalo Bail Bonds Agency, Inc. moved for an extension of time to file an answer or move to dismiss. (Doc. 61.) Buffalo Bail Bonds Agency, Inc.'s attorney cited a delay in receipt of the prior court order and a family funeral to excuse the delayed response and request an extension. Plaintiffs have not filed an opposition. The request for extension of time is granted.

Conclusion

Plaintiffs' Motion for Default Judgment (Doc. 52) is DENIED. Bail Shop, LLC and Adel Mikheail's Motion to Strike (Doc. 56) is MOOT. Buffalo Bail Bonds Agency, Inc.'s Motion for Extension of Time to File Answer or Motion to Dismiss (Doc. 61) is GRANTED. Buffalo Bail Bonds Agency, Inc.'s time to respond is extended to July 1, 2022.

Dated this 14th day of June, 2022.



Geoffrey W. Crawford, Judge
United States District Court